

Application No.: 09/975029
Art Unit 2177

Docket No.: SMQ-075

REMARKS

Claims 1-5, 13-15 and 18-19 have been amended. No claims have been cancelled. No claims have been added. Claims 1-22 are now pending. No new matter has been added.

Claim Rejections Pursuant to 35 U.S.C. §112, Paragraph 1

The Examiner rejected claims 1-21 under 35 U.S.C. §112, Paragraph 1, as failing to comply with the written description requirement. Specifically the Examiner objected to the claim limitations "user" and the limitations regarding the translation of data read and write requests into destination read and write requests in a manner that is transparent to the user. Applicant has amended both limitations in order to clarify the claimed invention but wishes to note for the record that both limitations are adequately supported in the specification.

Applicant disagrees with the Examiner's contention that the term "user" may not refer to a programmatic entity originating a request but only refers to a human user. The broader definition of a "user" is understood to those skilled in the art when specifically set forth. Applicant specifically defined the term to include software entities such as file systems and databases that originate the data read and write request at page 6, lines 7-8 and elsewhere in the specification including the Summary of the Invention section. However, in an effort to avoid any confusion, Applicant has amended the claims to refer to a "requestor" which is defined as originating the data read or write request and which should not present the possibility of confusion with which the Examiner was concerned as it is well understood by those skilled in the art that software entities may originate requests.

Applicant has amended the limitations referring to the translating of the data read and write requests in a transparent manner to address the Examiner's concerns. The specification contains numerous examples discussing the fact that the virtual interface on the electronic device is responsible for determining the end destination for the data read and write request and that it does so in a manner that is transparent/hidden/can not be seen from/by the user (see for example the description of Figures 2 and 3 on pages 5 and 6 of Applicant's specification). The independent claims have been amended to clarify that the virtual interface determines the end

Docket No.: SMQ-075

Application No.: 09/975029
Art Unit 2177

destination for the request and allocates and directs the data read and write requests to those determined destinations without the actual destinations being specified by the requestor.

The Examiner also rejected claim 22 that describes the wrapping of the network storage medium inside a virtual logical unit. The Examiner's rejection is respectfully traversed. The entire specification discusses throughout the fact that the invention hides the location of the storage mediums behind the virtual interface. Contrary to the Examiner's assertion of a "brief mention" most of the first two paragraphs of the Summary of the Invention directly discusses this aspect of the claimed invention (see page 2, lines 21-36 to page 3 lines 1-6). The Examiner's attention is also directed to page 4, lines 16-26, page 5, lines 12-15, page 5, lines 20-23, and throughout the specification for additional support. The term limitation "wrapping a network storage medium inside a virtual logical unit" will be understood by those skilled in the art to refer to the abstracting of an interface via software to the actual physical medium.

Claim Rejections Pursuant to 35 U.S.C. §112, Paragraph 2

The Examiner also rejected claims 1-21 as being indefinite. Independent claims 1 and 5 have been amended to clarify the providing step noted by the Examiner and to specify that the virtual interface on the host electronic device receives the read and write requests. The term "user" has been amended or deleted where not necessary as discussed above.

Application No.: 09/975029
Art Unit 2177

Docket No.: SMQ-075

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 12-0080, under Order No. SMQ-075 from which the undersigned is authorized to draw.

Dated: May 12, 2004

Respectfully submitted,

By John S. Curran
John S. Curran
Registration No.: 50,445
LAHIVE & COCKFIELD, LLP
28 State Street
Boston, Massachusetts 02109
(617) 227-7400
(617) 742-4214 (Fax)
Attorney/Agent For Applicant